

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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2010 OCT 22 A 9:52

William T. Coleman,

Petitioner,

v.

John R. Owen,

Respondent.

Civil Action No. 0:10-2151-SB

ORDER

This matter is before the Court on the pro se Petitioner's request for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Pursuant to Local Rule 73.02(B)(2)(a), this matter was referred to a United States Magistrate Judge for preliminary review.

On August 30, the Magistrate Judge issued a report and recommendation ("R&R"), analyzing the petition and determining that the Petitioner's claims are cognizable—if at all—under 28 U.S.C. § 2255 and not 28 U.S.C. § 2241. In addition, the Magistrate Judge noted that the Petitioner seeks relief from a conviction and sentence entered in the United States District Court for the District of Vermont, and not a conviction and sentence entered by this Court. Ultimately, the Magistrate Judge recommended that the Court dismiss the instant petition without prejudice and without requiring the Respondent to file an answer.

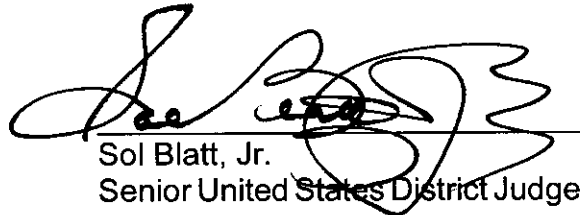
Attached to the R&R was a notice advising the Petitioner of his right to file specific, written objections to the R&R within fourteen days of the date of service. On September 10, 2010, the Petitioner filed a notice requesting the Court to amend the caption of his suit to replace John R. Owen, the Warden of the Williamsburg Correctional Facility, with M. M. Mitchell, the Warden of Edgefield Correctional Facility. However, because the Petitioner

did not file any objections, and it was not clear whether he wished to proceed with this suit, the Court issued an order on September 27, 2010, giving him an additional 20 days to file written objections to the R&R. To date, the Petitioner has not filed any written objections.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Petitioner did not file any specific, written objections, there are no portions of the R&R to which the Court must conduct a de novo review. Accordingly, it is hereby

ORDERED that the R&R (Entry 7) is adopted as the order of the Court, and the instant petition is dismissed without prejudice and without requiring the Respondent to file an answer or return.

IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge

October 22, 2010
Charleston, South Carolina